

REMARKS

The present amendment is submitted in response to the Office Action dated November 19, 2003, which set a three-month period for response, making this amendment due by February 19, 2004.

Claims 1-10 are pending in this application.

In the Office Action, the specification was objected to for various informalities. Claims 1-10 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1 and 2 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,687,544. Claims 1-10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over GB Patent No. 2,036,547 to Hancou in view of U.S. Patent No. 2,983,945 to De Pew. Claim 1 was provisionally rejected under the judicially created doctrine of obviousness style double patenting as being unpatentable over claim 1 of copending Application No. 10/031,128.

First, the Applicants wish to note that the pending claims have been renumbered correctly as claims 11-20, in light of the Simultaneous Amendment filed October 22, 2001, in which the original claims 1-10 were canceled and ten new claims were added.

In this amendment, the specification was amended to add standard sectional headings and to delete reference to the claims.

The claims were amended to adopt standard U.S. claim format and to address the rejections under Section 112, second paragraph.

With regard to the substantive rejection of the claims, claim 11 was amended to add the features of claim 13, which has been canceled. The Applicants respectfully submit that amended claim 11 defines a patentably distinct set of features neither shown nor suggested by the cited references.

In amended claim 11, it is not defined that the carrier element has a top side and a bottom side, wherein the wiper strip, on the bottom side, and a component of the wiper arm connection device is directly connected with the upper side. Since, in addition, the carrier element comprises two strap-like spring elements, which plunge into the longitudinal grooves of the wiper strip, amended claim 11 is therefore limited to a so-called joint-free wiper blade, that is, a wiper blade which must exist without a support bracket system, and therefore places increased demands on the carrier element.

The references cited in the Office Action relate only to wiper blades with support bracket systems, which therefore already distinguishes the present invention over the cited references.

The cited patent to Scinta discloses a wiper blade, in which a wiper strip is accommodated by transverse straps 12, whereby the transverse straps 12 are connected to one another via bridges 13. On the transverse straps 12, mounting links 20 are formed, via which the wiper strip can be secured in the axial direction. In this connection, after the insertion of the wiper strip, the mounting links are bent on both opposing ends of the transverse straps 12. In contrast to the present invention as defined in amended claim 11, these links 20, as a result, are not arranged on one of the transverse ribs, rather directly on the spring strap.

In addition, the links 20 must be bent on both sides in order to hold the wiper strip. In this manner, the clearance width between the links 20 of the opposite sides either correspond accurately to the length of the wiper strip – the wiper strip then cannot move against the spring straps, which is necessary, however, upon wiping over different windshield radii. Or, however, the clearance width is greater than the wiper strip – the wiper strip can shifted then entirely against the spring straps, and therewith, against the windshield, which leads to deterioration of the wiping quality. By this arrangement disclosed in Scinta, as a result, it is not possible to fix the wiper strip at a point against the spring straps and, otherwise permit movement compensation over the length of the wiper strip and spring straps.

A further disadvantage of Scinta in that the bend links 20 engaged the ends of the wiper strip, so that these metal links represent the outer limits of the wiper blade. These links, therefore, can cause injury in the worst case, for example, upon a collision between the vehicle and a pedestrian or cyclist.

Because Scinta fails to disclose at least this one critical feature of amended claim 11, the rejection of claims 1 and 2 under Section 102 cannot stand. Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 221 USPQ 481, 485 (Fed. Cir. 1984). Indeed, absence from the cited reference of any claimed element negates anticipation. *Row v. Dror*, 42 USPQ 2d 1550,

1553 (Fed. Cir. 1997) (quoting *Kloster Speedsteel AB v. Crucible, Inc.*, 230 USPQ 81, 84 (Fed. Cir. 1986)).

Also, the patent to Hancou describes and shows a support bracket wiper blade, in which a wiper strip 1 is received by spring straps 2 and is held by a support bracket system. How the wiper strip is secured against the spring straps 2 in the axial direction is not described specifically in Hancou, whose drawings show, however, that the spring straps 2 overlaps the wiper strip 1 axially and a bridge element connects the two spring straps 2 with one another. Thus, this structure has the same disadvantages with regard to the axial moveability between the spring straps and the wiper strip as the system disclosed in the Scinta reference. In addition, the disadvantage with regard to protection in the event of an accident are present in this device (see Figure 11, in particular).

In order to secure against axial shifting between the support bracket system 5 and the spring strips 2, a separate part 7 is necessary in Hancou, which engages on the support bracket frame as well as the spring straps 2 and wiper strip 1. This separate part 7, however, does not secure against an axial shifting between the spring straps 2 and the wiper strip 1, as defined in amended claim 11, but between the support bracket system and the wiper strip. In addition, the Hancou device offers the additional disadvantage that another component must be mounted in order to obtain axial securing.

Therefore, the combination of Scinta and Hancou cannot render obvious the present invention, because the practitioner always would be taught to provide an additional component between a support bracket system and the wiper strip

or spring straps, which would not result in the present invention. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. Under Section 103, teachings of references can be combined only if there is some suggestion or incentive to do so. *ACS Hosp. Sys., Inc. v. Montefiore Hosp.*, 221 USPQ 929, 932, 933 (Fed. Cir. 1984). Here, the cited combination fails to provide any such suggestion or incentive.

With regard to the De Pew reference, this patent describes a support bracket wiper blade that is analogous to that of Hancou and with the same disadvantages. The only bridge that is recognizable (Figure 3) is formed by the support bracket system. In order to maintain securing against axial shifting between the spring straps and the support bracket system, an additional component 50 is necessary, which has the same disadvantages as those described with reference to the Hancou device.

In addition, a sharp-edged connection projects over the wiper strip and produces the above-named problems with regard to accident protection.

Also, the axial securing against shifting between the spring straps and the wiper strip takes place in De Pew on both front sides with the disadvantages discussed with reference to the Scinta patent. It is not known how the practitioner would combine the solution of De Pew with the additional component with that of Hancou to produce the subject matter of the present invention, which lacks this additional component.

For the reasons set forth above, the Applicant respectfully submits that claims 11-12 and 14-20 are patentable over the cited references. The Applicants further request withdrawal of the rejections under 35 U.S.C. 102 and 103 and reconsideration of the claims as herein amended.

In light of the foregoing arguments in support of patentability, the Applicants respectfully submit that this application stands in condition for allowance. Action to this end is courteously solicited.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,



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